

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

PATRICK J. GABORIK,

Plaintiff,

v.

Case No.: 2:18-cv-166-FtM-38MRM

KATHERINE TAYLOR-RAY,
NAPLES TRUCK RENTAL LLC, AA
TRUCK RENTAL LLC and LEHIGH
ACRES TRUCK RENTAL LLC,

Defendants.

ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation (the "R&R"). ([Doc. 54](#)). Judge McCoy recommends granting the parties' second Joint Motion for Approval of Settlement Agreement ([Doc. 53](#)) and approving the Settlement Agreement and Full and Final Release of Claims ([Doc. 53-1](#)) "as a fair and reasonable resolution of the parties' bona fide dispute under the FLSA." ([Doc. 54 at 7](#)). Neither party filed a timely objection. So the matter is ripe for review.

A district judge "may accept, reject or modify in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#); see also [Williams v. Wainwright](#), 681 F.2d 732, 732 (11th Cir. 1982). The district judge "shall make a de novo determination of those portions of the report or specified proposed findings or

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recommendations to which an objection is made.” 28 U.S.C. § 636(b)(1); see also *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). The district judge reviews legal conclusions de novo, even in the absence of an objection. *Cooper-Houston v. S. Ry.*, 37 F.3d 603, 604 (11th Cir. 1994).

After a careful and independent examination of the file, and after considering Judge McCoy’s findings and recommendations, the Court accepts and adopts the R&R in full.

Accordingly, it is now **ORDERED**:

1. The Report and Recommendation ([Doc. 54](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
 - a. The parties’ second Joint Motion for Approval of Settlement Agreement ([Doc. 53](#)) is **GRANTED**. Thus, the parties’ first Joint Motion for Approval of Settlement Agreement ([Doc. 51](#)) is **DENIED as moot**.
 - b. The Settlement Agreement and Full and Final Release of Claims ([Doc. 53-1](#)) is **APPROVED** “as a fair and reasonable resolution of the parties’ bona fide dispute under the FLSA.”
2. The case is **DISMISSED with prejudice**.
3. The Clerk is **DIRECTED** to enter judgment, terminate any pending motions and deadlines, and close the file.

DONE and ORDERED in Fort Myers, Florida this 17th day of December, 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record